

IN RE: Least-Cost Planning Procedure for Electric Utilities) ORDER GRANTING
) MOTION OF DUKE
) ENERGY CAROLINAS,
) LLC FOR
) CONFIDENTIAL
) TREATMENT

On September 1, 2006, Duke Energy Carolinas filed with the Commission the Company's 2006 Annual Plan along with FERC Form 715 (Annual Transmission Planning and Evaluation Report). Duke Energy Carolinas advises that the Company made a concurrent filing of its 2006 Annual Plan with the North Carolina Utilities Commission (NCUC). According to Duke Energy Carolinas, the NCUC required the Company to provide additional information to the NCUC in regard to the Company's 2006 Annual Plan. The requested additional information, according to Duke, is being provided to the NCUC and this Commission in the updated 2006 Annual Plan. Duke Energy Carolina

requests from this Commission confidential treatment of the Company's updated 2006 Annual Plan. The Company requests that the Commission continue its previous grant of confidential treatment¹ to the appropriate portions of the updated 2006 Annual Plan.

Pursuant to Commission Order No. 2005-226, "Order Requiring Designation of Confidential Materials", issued May 6, 2005, Duke Energy Carolinas delineates in its Motion the material for which the Company seeks confidential treatment and files such information in a separate package clearly marked "confidential." Additionally, pursuant to Order No. 2005-226, the Company files a redacted non-confidential version of the material.

A review of the material in question in the Company's updated 2006 Annual Plan establishes that the material does provide detailed information concerning Duke Energy Carolinas' business and practices which are sensitive. The South Carolina Freedom of Information Act ("FOIA") allows exemption from disclosure proprietary business information that meets a definition of "trade secrets." S.C. Code Ann. Section 30-4-40(a)(1) states that matters which may be exempt from FOIA include: "(1) Trade secrets, which are defined as unpatented, secret, commercially valuable plans, appliances, formulas, or processes....Trade secrets also include, for those public bodies who market services or products in competition with others, feasibility, planning, and marketing studies, and evaluations and other materials which contain references to potential customers, competitive information or evaluation." We find that the information contained in the Company's updated 2006 Annual Plan for which Duke Energy Carolinas

¹ The Commission issued Order No. 2006-550, Order Approving Motion of Duke Energy Carolinas, LLC for Confidential Treatment, September 26, 2006, granting confidential treatment to certain portions of Duke Energy Carolinas, LLC's 2006 Annual Plan.

seeks protection as confidential falls within this definition of materials which may be exempted from disclosure under FOIA.

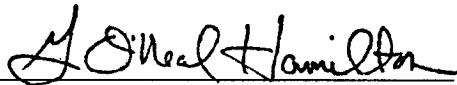
Because the Commission finds that certain portions of the updated 2006 Annual Plan of Duke Energy Carolinas contains competitively sensitive critical information and meets the definition of “trade secrets” as defined under FOIA and finds that the additional information contains critical infrastructure information of the Company, the Commission grants the Motion.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED THAT:

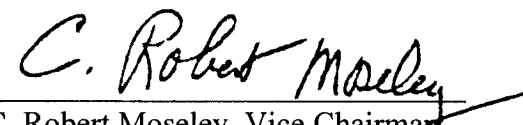
1. The Motion of Duke Energy Carolinas, LLC for confidential treatment is granted. Accordingly, the unredacted updated 2006 Annual Plan of Duke Energy Carolinas, LLC filed with the Commission shall be declared confidential and shall be afforded confidential treatment.

2. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


G. O'Neal Hamilton, Chairman

ATTEST:


C. Robert Moseley, Vice Chairman

(SEAL)